



# AGC | ODOT Annual Meeting

Oregon Division Office

Oregon Coast Trail at Cape Meares

## Build America, Buy America Act (BABA) Update February 3, 2023

Presented by: Ben Haines  
FHWA Oregon Division  
Operations Engineer



# BABA Update

Oregon Division Office

Oregon Coast Trail at Cape Meares

- The Bipartisan Infrastructure Law (BIL) established new Buy America requirements known as the Build America, Buy America Act (BABA).
- BABA requirements become effective on May 14, 2022 + 180 day implementation waiver = **November 10, 2022**



# BABA Update

Oregon Division Office

Oregon Coast Trail at Cape Meares

BABA addresses one of the following categories:

- iron or steel;
- a manufactured product\* ; or
- a construction material.



# BABA Update

Oregon Division Office

Oregon Coast Trail at Cape Meares

**Construction Materials** are those that are or primarily consist of:

- non-ferrous metals; (aluminum, brass, copper, lead, zinc, magnesium, etc.)
- plastic and polymer-based products (HDPE, PVC, composite building materials, etc.)
- glass
- lumber
- drywall



# BABA Update

Oregon Division Office

Oregon Coast Trail at Cape Meares

## Excluded items:

- an item of primarily iron or steel
- a manufactured product\*
- cement and cementitious materials
- aggregates such as stone, sand, or gravel
- aggregate binding agents or additives

\*items that consist of two or more construction materials that have been combined together through a manufacturing process, and items that include at least one construction material combined with a material that is not listed through a manufacturing process, should be treated as manufactured products, rather than as construction materials.



# BABA Update

Oregon Division Office

Oregon Coast Trail at Cape Meares

## ODOT Implementation of BABA

- Iron or Steel
  - Currently Addressed in ODOT contracts
  - Follow existing procedures
- Manufactured Product
  - FHWA has Nationwide Waiver in Effect
  - No action needed
- Construction Material
  - ODOT/Local agencies have implemented new contract requirements - see new Specification section **00160.20(d)**



# BABA Update

Oregon Division Office

Oregon Coast Trail at Cape Meares

## ODOT BABA Specification - Construction Materials

- 00160.20 Preferences for Materials
  - (d) Build America Buy America Act Requirements



# BABA Update

Oregon Division Office

Oregon Coast Trail at Cape Meares



## FHWA Oregon Division Role in BABA Implementation

- ✓ Provide guidance to the state DOT
- ✓ Assist the state in developing BABA specifications
- ✓ Assist state in developing implementation tools
- ✓ Assure all federal aid contracts contain BABA requirements starting Nov 10<sup>th</sup>, 2022
- ✓ Assure authorized projects contain BABA requirements starting Nov 10<sup>th</sup>, 2022
- Monitor projects for compliance with specification





# BABA Update

Oregon Division Office

Oregon Coast Trail at Cape Meares

# Questions?

